THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4274 of 2007

Dated:02.03.2007

Between:

Vanamala Sivaji and another.

...PETITIONERS

and

The District Collector, East Godavari District, Kakinada, and others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4274 of 2007

ORDER:

First petitioner allegedly purchased land admeasuring Acs.6.00 under registered sale deed dated 05.11.1992 and second petitioner purchased land admeasuring Acs.2.99 cts under registered sale deed 05.02.1997 and Ac.1.00 on 07.12.2002. The total extent of land is Acs.9.99 cts, which is comprised in survey No.312/3 situated at Seela Village, Kajulur Mandal, East Godavari District. They allege that both of them obtained pattadar passbooks and developed the land to fish/prawn culture tanks. It is their case that on 28.02.2007 at about 10.00 a.m., fourth respondent, namely, the Mandal Revenue Officer (MRO) and the Mandal Surveyor came to their land for conducting survey on an allegation that they encroached upon the Government land. They also allege that the respondents are taking steps to dispossess them. Apprehending further damage to the enjoyment of their rights, they filed instant writ petition.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-A). The learned Assistant Government Pleader, after getting instructions, submits that the respondents never interfered with the land in survey 312/3 admeasuring Acs.9.99 cts but when the petitioners are trying to encroach upon the Government land, they were prevented. The same is recorded. This Court observes that as long as the petitioners stay in their land without any attempt to encroach upon any land, the respondents shall not interfere with their possession. If there is any

encroachment by the petitioners, it shall be open to MRO to remove the encroachment or prevent the future encroachment. This exercise would be sufficient redressal to the petitioners.

The writ petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

02nd March, 2007

Note: Issue CC today.

B/o

ghn